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EXAMINER

JAKOVAC, RYAN J

ART UNIT

PAPER NUMBER

4121

NOTIFICATION DATE

DELIVERY MODE

02/14/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Office Action Summary****Application No.**

10/777,936

**Applicant(s)**

CLARKE, DAVID JAMES

**Examiner**

RYAN J. JAKOVAC

**Art Unit**

4121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This action is responsive to communication filed 01/21/2008.

Claims 1-31 are pending.

Claims 1-31 are rejected.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-9, 11, and 12-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Poor et al., US 20020183080.

Regarding claims 1,12, 17, 22, and 27 Poor teaches a communications system, protocol interface device, method, and computer-readable medium comprising: a plurality of data storage devices each using at least one of a plurality of different operating protocols (Paragraph [0010], The intermediate server and the service provider's server have different protocols);

a plurality of mobile wireless communications devices for accessing said plurality of data storage devices and each using at least one of the plurality of different operating protocols (Paragraph [0010] Users of wireless devices access internet email and the internet. Furthermore, paragraph

[0009] recites "...application program protocols used by the application programs in a person's (i.e., user's) wireless device...". This recites that the wireless device uses different application program protocols (i.e. uses at least one of the plurality of different operating protocols.). Fig. 7 further discloses a list of application programs that the user's device includes. Furthermore, in paragraph [0023] of Poor discloses that devices can send messages using HTTP or UDP which are two different operating protocols used by the plurality of mobile wireless communications devices for accessing said plurality of data storage devices.); and

- a protocol interface device (Paragraph [0025], The intermediate system) comprising a protocol engine module for communicating with said plurality of data storage devices using respective operating protocols (Paragraph [0010] Intermediate server communicates with service provider's server),

- a front-end proxy module coupled to said protocol engine module and comprising

- a respective proxy module for communicating with said plurality of mobile wireless communications devices using each different operating protocol (Paragraph [0010], Intermediate server communicates with mobile devices based on their protocols), and

- at least one common core service module coupled to said proxy modules (Paragraph [0010], database of application programs and protocols), and

- a configuration file module (Paragraph [0026] The server configuration file) coupled to said front-end proxy module for storing a plurality of different sets of configuration files relating to different allocations of resources of the at least one common core service module (Paragraph [0026] The intermediate system uses the server configuration file to

establish a common communication basis for which to communicate with a server operating a specific service).

Regarding claims 2,13, 18, 23, and 28, Poor teaches the communications system of Claim 1, the protocol interface device of claim 12, the protocol interface device of claim 17, the method of claim 22, and the computer-readable medium of claim 27 wherein said plurality of different sets of configuration files comprises a primary set of configuration files (Paragraph [0026] The server configuration file) corresponding to core resource allocation operations, and a secondary set of configuration files for customizing the core resource allocation operations (Paragraph [0027] The user configuration file).

Regarding claim 3, Poor teaches the communications system of Claim 1 wherein said at least one common core service module is for routing traffic between said proxy modules and said protocol engine module (Paragraph [0010] The intermediate server receives a message, looks up the message in the database according to the protocol and communicates with the service provider's server).

Regarding claim 4, Poor teaches the communications system of Claim 1 wherein said at least one common core service module is for accessing data from said plurality of data storage devices (Fig. 1, remote servers number 28 and 30 are accessed by intermediate system).

Regarding claim 5, Poor teaches the communications system of Claim 1 wherein said at least one common core service module is for rendering data for said plurality of mobile wireless communications devices (Paragraph [0030] Intermediate system transmits messages back to the device).

Regarding claims 14, 19, 24, and 29 Poor teaches the protocol interface device of claim 12, the protocol interface device of claim 17, the method of claim 22, and the computer-readable medium of claim 27 wherein said at least one common core service module is for at least one of routing traffic between said proxy modules and said protocol engine module (Paragraph [0010] The intermediate server receives a message, looks up the message in the database according to the protocol and communicates with the service provider's server), accessing data from the plurality of data storage devices (Fig. 1, remote servers number 28 and 30 are accessed by intermediate system), and rendering data for the plurality of mobile wireless communications devices (Paragraph [0030] Intermediate system transmits messages back to the device).

Regarding claims 6, 15, 20, 25, and 30 Poor teaches the communications system of Claim 1, the protocol interface of claim 12, the protocol interface of claim 17, the method of claim 22, and the computer-readable medium of claim 27 wherein said at least one common core service module comprises a plurality of handlers for interfacing said proxy modules with said protocol engine module (Paragraph [0027] Configuration blocks from the user configuration file are used to select information by the intermediate system.).

Regarding claims 7,16, 21, 26, and 31 Poor teaches the communications system of Claim 1, the protocol interface of claim 12, the protocol interface of claim 17, the method of claim 22, and the computer-readable medium of claim 27 wherein said plurality of proxy modules (Paragraph [0028] Intermediate system) convert access requests from said plurality of mobile wireless communications devices (Paragraph [0010] Messages from users of wireless devices) to common access parameters (Paragraph [0028], text format); and wherein said front-end proxy module further comprises a flow controller (Paragraph [0028] Intermediate system) module for receiving the common access parameters from said plurality of proxy modules and selecting desired handlers for processing thereof (Paragraph [0028] Intermediate system decodes packets send from users into text format).

Regarding claim 8, Poor teaches the communications system of Claim 6 wherein said plurality of handlers and said protocol engine module communicate using a common interface protocol (Paragraph [0028], Intermediate system parses retrieved fields and processes them in the database).

Regarding claim 9, Poor teaches the communications system of Claim 1 further comprising a renderer module for cooperating with said proxy modules to format data for said plurality of mobile wireless communications devices (Paragraph [0028], The intermediate system transmits the message back to the device).

Regarding claim 11, Poor teaches the communications system of Claim 10, Poor does not teach but Hunt teaches further comprising a memory coupled to said XML engine module for storing a plurality of templates corresponding to respective operating protocols (Paragraph [0025] A template is triggered in the XSLT when the right node of XML, determined by template description, is encountered by the XSLT processor.).

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 20020183080 to Poor et al. in view of US 20040044961 to Pesenson.

Regarding claim 10, Poor teaches the communications system of Claim 9, Poor does not teach but Pesenson teaches further comprising an extensible mark-up language (XML) engine module coupled to said renderer module (Paragraph [0027], XML is used with a renderer module (the XSLT)).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine further comprising an extensible mark-up language (XML) engine module coupled to said renderer module as taught by Pesenson with the system of Poor so as to increase



flexibility and adaptability in the formatting and rendering of data (Pesenson, paragraph [0005], [0027])).

*Response to Arguments*

3. The examiner has considered all the IDS references submitted by the applicant.
4. Applicant's arguments, with regards to claims 1-31, filed 1/21/2008 have been fully considered but they are not persuasive.

Regarding claims 1, 12, 17, 22, and 27, applicant argues that Poor does not disclose "a plurality of mobile wireless communications devices for accessing said plurality of data storage devices and each using at least one of the plurality of different operating protocols." The Examiner respectfully disagrees with the Applicants arguments. Paragraph [0009] recites "...application program protocols used by the application programs in a person's (i.e., user's) wireless device...". This recites that the wireless device uses different application program protocols (i.e. uses at least one of the plurality of different operating protocols.). Fig. 7 further discloses a list of application programs that the user's device includes. Furthermore, in paragraph [0023] of Poor discloses that devices can send messages using HTTP or UDP which are two different operating protocols used by the plurality of mobile wireless communications devices for accessing said plurality of data storage devices.

The Examiner respectfully disagrees with the Applicant's arguments that Poor fails to disclose "a respective proxy module for communicating with said plurality of mobile wireless communications devices using each different operating protocol." As disclosed in paragraph [0010], the intermediate server communicates with mobile devices based on their protocols. The fact that there is an intermediate server involved does not obviate the Examiner's explanations as stated above.

The Examiner respectfully disagrees with the Applicant's arguments that Poor fails to disclose "a configuration file module coupled to said front-end proxy module for storing a plurality of different sets of configuration files relating to different allocations of resources of the at least one common core service module." The Examiner asserts that the server configuration file referenced in paragraph [0026] meets the limitations of "a configuration file module coupled to said front-end proxy module for storing a plurality of different sets of configuration files relating to different allocations of resources of the at least one common core service module." The server configuration file stores a protocol database which contains descriptions of application level protocols (i.e. plurality of different sets of configuration files). It describes protocols associated with services (i.e. resources).

Accordingly, since for the above reasons Poor is shown to disclose all elements of the claimed invention, claims 1, 12, 17, 22, and 27 are therefore not patentable. Their respective dependent claims are likewise not patentable.

Therefore, in view of the above reasons, Examiner maintains rejections.

***Conclusion***

**5. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN J. JAKOVAC whose telephone number is (571)270-5003. The examiner can normally be reached on Monday through Friday, 7:30 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Taghi T. Arani can be reached on (571) 272-3787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RJ

/Taghi T. Arani/  
Supervisory Patent Examiner, Art Unit 4121  
2/11/2008